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Fee Claimant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRENDA HILL, <i>et al.</i> ,)	Case No. 3:10-cv-2833LB
Plaintiffs,)	Joint Submission re Schedule Dispute
vs.)	ORDER
KAISER FOUNDATION)	
HEALTH PLAN, INC; <i>et al.</i> ,)	
Defendants.)	

Undersigned counsel certify they exchanged email communications and discussed this scheduling dispute by telephone, but were unable to reach an agreement.

REQUEST FOR SCHEDULING CHANGE

Jim Sturdevant – an expert retained by Friedman in this fee dispute – requires additional time to complete his review of sealed records, to confer with Friedman and to draft a reply declaration. Mr. Sturdevant signed the acknowledgment attached to the Court’s July 19, 2016, protective order (Docket Item No. 312), and was provided with sealed records on that same day. While the expert was able to begin his review of documents immediately, he was required to travel out of state on July 21, and he continued to work remotely on Friday, July 22, and over the weekend. During that time period, however, technical problems with internet service have prevented Mr. Sturdevant from being able to complete his work in connection with this case.

Attorney Friedman is unable to prepare his reply brief until his expert has completed his review. Friedman has diligently followed up on every step associated with getting the protective order, and following through on its requirements. As of Monday,

1 July 25, Friedman has had limited, non-substantive communications with his expert,
2 relating to the need for additional time. He believes he could complete his draft of the
3 reply within one or two days after receipt of Mr. Sturdevant's reply declaration. He
4 hopes that technical problems will be overcome, and that Mr. Sturdevant will be able to
5 complete his work on a reply declaration within the next three days.

6 Rather than multiple submissions on this scheduling issue, Friedman suggests the
7 Court extend the time for filing the reply brief by one week, or until Monday, August 1.
8 This should not cause a change to the current hearing date of August 18, 2016.

9 **PLAINTIFFS' OBJECTION TO REQUEST FOR SCHEDULING CHANGE**

10 Plaintiffs strongly object to any further extension of the deadline for Attorney
11 Friedman to file a Reply brief. Attorney Friedman has already sought and received six
12 extensions of time to file his pleadings in connection with this fee dispute. This extension,
13 if granted, would be the sixth extension Mr. Friedman would have received to extend the
14 deadlines for the filing of his attorneys fee motion against his own clients. This new
15 requested extension would not only extend the deadline for Mr. Friedman to file his
16 Reply, but would also again delay the August 18, 2016 hearing date tentatively set by this
17 Court for the hearing. Plaintiffs have been subjected to these delays for too long.
18 Plaintiffs deserve an end to these protracted proceedings which have continued to cost
19 them both time and financial resources. Attorney Friedman did not ask for this new sixth
20 extension until after the time to file a Reply had already past. Thus, it is Plaintiffs'
21 position that Attorney Friedman has waived his right to file a Reply.

22 **REPLY**

23 As of July 27, Mr. Sturdevant is near completion of his review, and has been
24 preparing a reply declaration; but Friedman has not yet received a draft. Fee opponents
25 do not explain why this delay will impact the hearing date, but Friedman would not object
26 to an extension. Nor do they explain how they would be impacted in time or financial
27 resources if Strudevant is given the time he needs. It is not correct this request is late.
28 Emails and phone calls, along with a draft joint submission, were made to Mr. Lunski on

July 25, but counsel did not provide his response for this joint submission until Wednesday, July 27. In addition, on July 25 Friedman filed the expert acknowledgment noting this process was underway.

CHART WITH PROPOSED DATES AND PARTIES' POSITION

Case Event	Friedman's Proposal	Disputing Pl.'s Proposal	Court Order
Reply	August 1, 2016	July 25, 2016	August 1, 2016
Hearing	August 18, 2016		August 18, 2016 at 11:00 a.m.

Respectfully submitted,

Dated: July 27, 2016

JEREMY L. FRIEDMAN

By: /s/Jeremy L. Friedman
Jeremy L. Friedman

Fee Claimant

Dated: July 27, 2016

LUNSKI & STIMPERT LLP

By: /s/Ron U. Lunski
Ron U. Lunski

Attorneys for Plaintiffs Medhanie Berhe,
Patsy Hardy, Michelle Mike, Wilma Joyce
Jennings and Rena Harrison Thomas

ORDER

The court imposes the schedule in the chart.

It is so ordered.

Dated: July 27, 2016



United States Magistrate Judge